

Amendment No. 1 to SB0278

Johnson
Signature of Sponsor

AMEND Senate Bill No. 278

House Bill No. 279*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1551, is amended by deleting the section and substituting instead the following:

(a) Except as provided in subsections (b) and (c), the general assembly intends by this part and other provisions of Tennessee Code Annotated to occupy and preempt the entire field of legislation concerning the regulation of tobacco products.

(b)

(1) Notwithstanding any other provision of this title, a municipality, a county, or a county having a metropolitan form of government is authorized by local ordinance or resolution to prohibit smoking on the grounds of a hospital or in the public areas immediately outside of a hospital building and its entrances, including public sidewalks.

(2) In addition to the authority granted pursuant to subdivision (b)(1), any regulation or ordinance that is passed or adopted by a local government pursuant to the authority granted by this subsection (b) may prohibit smoking by a distance of up to fifty feet (50') from a hospital's entrance unless the application of a fifty-foot limit would place hospital patients in a potentially unsafe condition, in which case the fifty-foot limit must be extended to such distance as is necessary to ensure patient safety as determined by the local government's legislative body in consultation with representatives of any hospitals that are subject to the regulation or ordinance.

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(c)

(1) Except as provided in subdivision (c)(2), a municipality, county, county having a metropolitan form of government, airport authority created pursuant to title 42, or utility district created pursuant to title 7, may regulate the use of tobacco products, as defined in § 39-17-1503, in buildings and on property owned or leased by such entities.

(2) A regulation implemented pursuant to subdivision (c)(1) must not:

(A) Be less restrictive than that required by state law; or

(B) Prohibit smoking in an area listed in any subdivision in § 39-17-1804 except subdivision (4).

(3) This section does not affect or repeal any regulation of the use of tobacco products that was implemented by a municipality, county, county having a metropolitan form of government, airport authority, or utility district pursuant to this section as it existed prior to July 1, 2018.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.